

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2000-##*
NPDES Permit No. CA0022756
ID No. 1A84006ODN

REQUIRING THE CITY OF CRESCENT CITY
TO CEASE AND DESIST FROM DISCHARGING WASTE CONTRARY TO
WASTE DISCHARGE REQUIREMENTS

Del Norte County

The Regional Water Quality Control Board, North Coast Region (hereafter the Regional Water Board), finds that:

1. On June 23, 1994, the Regional Water Board adopted Order No. 94-60, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022756 for the City of Crescent City Municipal Wastewater Treatment Facility. Order No. 94-60 includes effluent limitations that must be met before treated wastewater from the treatment facility can be discharged to the Pacific Ocean.
2. Order No. 94-60 has expired, and in its place the Regional Water Board adopted Order No. R1-2000-##* on September 22, 2000. The new permit has been revised to incorporate the requirements of the updated State Ocean Plan (1997). The City of Crescent City will violate or threaten to violate Order No. R1-2000-##* until such time as the existing wastewater treatment facility is expanded or replaced.
3. Following a public hearing on February 27, 1997, the Regional Water Board adopted Cease and Desist Order No. 97-17, which documented violations of effluent limits contained in waste discharge requirements and directed the City of Crescent City to perform the following tasks by September 30, 1997:
 - a. Determine the existing capacity of the wastewater treatment facility both in terms of hydraulic and organic loading and submit a report to the Regional Water Board. The report should compare the existing capacity with the existing loads and evaluate the performance of each unit process. Additionally, the report should include capacity needs for an extended planning period (i.e. 20 years) to be determined by the City and Del Norte County.
 - b. Provide the Regional Water Board a plan of action and time schedule for bringing the wastewater treatment facility into compliance with waste discharge requirements. The plan should include short-term changes that will bring the facility into immediate compliance with Order No. 94-60 and long-term actions that will assure compliance during the selected planning period.
4. The required tasks were completed on schedule and a report was submitted to the Regional Water Board as required by the adopted time schedule. The report established that the treatment facility is organically overloaded and unable to consistently meet permit limits. The facility is hydraulically overloaded during the winter months and the short outfall into the Pacific Ocean south of Battery Point Lighthouse (Discharge Serial

No. 001) is inadequate to handle high winter flows. The disinfection capacity is limited, resulting in inadequate disinfection of effluent.

5. The recommended actions of the report included flow-pacing the disinfection process, performing a pilot test to identify a preferred BOD-reduction project, modifying the digester plumbing to allow flexibility in operations and pursuing funding for and initiating long-term facilities planning leading to treatment facility upgrade or replacement.
6. By letter dated September 30, 1997, the City of Crescent City transmitted the capacity study and included a time schedule for accomplishing the recommended actions. On February 26, 1998, the Regional Water Board rescinded Cease and Desist Order No. 97-17 and adopted Cease and Desist Order No. 98-24. The new order included a time schedule for completion of the recommendations in the capacity study and prohibited the addition of new flows to the treatment facility until it could be demonstrated that additional capacity is available.
7. The City completed the tasks contained in Order 98-24 with the exception of completion of the long-term planning study. The long-term planning study began in early December 1998 with the execution of an agreement between the City and SHN Consulting Engineers and Geologists Inc. (SHN). SHN subcontracted with Montgomery Watson for technical support. Funding for the study was provided through the U.S. Department of the Interior, Bureau of Reclamation under Title XVI of Public Law No. 102-575.
8. By letter dated February 26, 1999, the City of Crescent City requested a limited relaxation of the new flow prohibition. The request was based on the following milestones: (a) completion of the interim tasks contained in the capacity study, (b) completion of a significant Inflow/Infiltration (I&I) rehabilitation project undertaken by Del Norte County Service Area No. 1 (whose collection system discharges to the City system), and (c) closure of a fish processing plant that discharged high-strength waste to the treatment facility. The City also requested additional time for the completion of the long-term planning study.
9. On July 22, 1999, the Regional Water Board adopted Order No. 99-54, which modified Order No. 98-24. The modifications allowed the addition of new wastewater flows from the equivalent of 220 single family dwelling units. The allowance translated to 85,800 gallons per day.
10. The additional connections were allowed pursuant to Title 23, California Code of Regulations, 2233.3(b), which states that: prohibitions or restrictions on additional discharges may be removed, at the discretion of the Board, if the Board finds (1) that consistent compliance with requirements can be achieved only by construction of a facility which will take a substantial period of time to complete, and (2) that the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures, and (3) that the corrective measures necessary to achieve compliance with requirements will be placed into operation by the discharger in the shortest practicable time, and (4) that all practicable interim repairs and improvement to the treatment process of the discharges that can be made have been made, and (5) that

during the interim period of time until compliance with requirements can be fully achieved the treatment process of the discharges will be so managed, operated, maintained and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restriction, and such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.

11. The City met the requirements of Title 23, California Code of Regulations, 2244.3(b) as described below.

Consistent compliance can only be achieved by the construction of larger facilities which will handle existing flows and anticipated growth in the city over the next 20 years. Planning, design and construction of such a facility will take several years to complete.

The City of Crescent City has the capacity, authority and financial resources to complete construction of an expanded facility. Currently, the planning and environmental review of the project is proceeding as rapidly as possible. The City has contracted with SHN and Montgomery Watson to provide the technical expertise necessary to complete the planning phase of the project. The City is committed to implementing the chosen alternative to increase treatment capacity and consistently comply with waste discharge requirements as quickly as possible.

All interim improvements required by Cease and Desist Order No. 98-24 have been completed at the existing plant. Maintenance continues to be a high priority at the facility. Monitoring reports show no significant violations of waste discharge requirements, with the exception of the high flow overflows of fully treated and disinfected effluent. A significant construction project by the Del Norte County Service Area No. 1 to reduce Inflow and Infiltration (I&I) to the collection system has been completed and has reduced high winter flows. The City has an ongoing I&I program dedicated to reducing winter flows.

Routine maintenance and improvement to the existing treatment plant is a high priority with the City. Both the interim improvements and high level of operations and maintenance have resulted in compliance with waste discharge requirements. The overflow, to the Harbor, of fully-treated and disinfected effluent should not significantly impair water quality or beneficial uses. The overflows only occur during the winter wet season and only during high rainfall events.

On the basis of the above findings, the Regional Water Board adopted Cease and Desist Order No. 99-54, which changed the compliance date for the submittal of the report under Paragraph 1, Task f of Cease and Desist Order No. 98-24 from May 30, 1999 to December 31, 1999. The report, and associated time schedule, were to describe the implementation of needed improvements to bring the plant into reliable long-term compliance.

Order No. 99-54 also modified Order No. 98-24 to allow the addition of new flows equivalent to 220 single family dwellings or 86,000 gallons per day, whichever is less, from new residential, commercial or industrial facilities.

Order No. 99-54 also required the submittal of a monthly report describing all connections added to the plant.

12. Because of the complexity of the project to determine the most appropriate and economically feasible expansion or replacement of the existing wastewater treatment plant, the report required on December 31, 1999 has been delayed. The City, by letter dated February 29, 2000, requested that the submittal deadline for the long-range study report and CEQA documentation be extended from December 31, 1999 to August 15, 2000. A draft of this report was submitted on August 22, 2000. The report identifies four potential alternatives for providing wastewater treatment services to community residents, business and industry. They are:
 - a. Expand the existing wastewater treatment facility at an estimated cost of \$23,400,000.
 - b. Construct a new wastewater treatment facility at a cost of \$32,000,000 to \$34,800,000.
 - c. Construct separate County and City wastewater treatment facilities at a cost of \$35,800,000 to \$36,900,000.
 - d. Construct a new base flow wastewater treatment facility and convert the existing facility to a wet weather flow treatment facility at a cost of \$30,700,000 to \$32,400,000.

Three alternatives are being further evaluated. They are:

- a. No project,
- b. Upgrade the existing facility, and
- c. Construct a new facility.

The recommended alternative is a new facility to be constructed on vacant industrial property near Elk Creek. The City has not yet taken action or conducted a public hearing on the findings and recommendations of the study report. The complexity of the project warrants the granting of the additional time requested to complete the long-term planning work

13. Pursuant to Water Code Section 13389 and Title 14 of the California Code of Regulations, Section 15301, this is an enforcement action for violations and threatened violations of Waste Discharge Requirements and for the protection of the environment for an existing facility and, as such, is exempt from the requirements of the California Environmental Quality Act.
14. On September 22, 2000, after due notice to the discharger and all other affected persons, the Regional Water Board conducted a public hearing and evidence was received regarding this Cease and Desist Order.

THEREFORE IT IS HEREBY ORDERED that Cease and Desist Order Nos. 98-24 and 99-54 are rescinded and, pursuant to California Water Code Sections 13243, 13300 and 13301, the City of Crescent City shall cease discharging waste in violation of Waste Discharge Requirements Order No. R1-2000-##* forthwith and comply with the following:

1. The following actions shall be taken to complete the long-term planning process to provide adequate wastewater treatment capacity:

<u>Task</u>	<u>Compliance Date</u>
a. Complete CEQA process and submit completed EIR	January 30, 2001
b. Submit time schedule for obtaining financing, selecting design consultant, completing design, and purchasing property for WWTF site	February 15, 2001

2. The bypass of treated and disinfected wastewater to Crescent City Harbor is prohibited at all times except when treatment facility flows exceed 2,500 gallons per minute (equivalent to 3.6 million gallons per day at sustained flow rate).
3. The addition of new flows of wastewater to the wastewater treatment facility (after February 26, 1998) from new residential, commercial, industrial, and/or governmental connections is restricted to the equivalent of 220 single family dwellings or 86,000 gallons per day, whichever is less, until such time that it can be demonstrated to the satisfaction of the Regional Water Board that such connections will not result in additional violations of waste discharge requirements. [Title 23, California Code of Regulations, Section 2244]
4. The City of Crescent City shall submit a report each month describing all connections added to the treatment facility. The report shall include the type of connection and its equivalent flow contribution to the treatment facility as well as a running total of facilities connected and the flows remaining. The report may be submitted with the routine monthly discharge monitoring report.

Certification

I, Lee A. Michlin, Executive Officer,
do hereby certify that the foregoing
is a full, true, and correct copy of an
Order adopted by the California
Regional Water Quality Control
Board, North Coast Region, on
September 22, 2000.

Lee A. Michlin
Executive Officer

* Number will be assigned after adoption.